



Department
for Education

Special educational needs survey 2015

**Guide for the completion of the SEN2
return, version 1.3**

January 2015

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Version History

This gives details of any changes made to the content of this document.

1.0	<p>Document reformatted to conform to Departmental publication guidelines.</p> <p>All dates updated throughout the document.</p> <p>Changes include:</p> <ul style="list-style-type: none"> • Inclusion of split between those with a statement and those with an Education, Health and Care plan (EHC plan). • Extension of age range to cover birth to 25 years. • Data on assessments not yet completed, or completed but no decision made by the 15 January and data on assessments refused. • Data on children taken out of school to be home educated. • EHC plans issued within 20 weeks • Numbers of personal budgets and direct payments taken up. • Number of cases going on to mediation. • An assessment of whether your local authority is on course to transfer existing cases to an EHC plan within the specified timeframe. 	CSDSD, April 2014
1.1	<p>Document updated to include further information on the following:</p> <ul style="list-style-type: none"> • Section 1.1(b) additional clarification on age limit for EHC plans. • Section 1.1(e) removed EHC plans (and included date) because there will be no EHC plans made prior to 1 January 2014. • Section 1.4 Education, Health and Care plans (EHC plans) in pathfinder areas. • Section 1.5 clarification on the age limits for statements and EHC plans. • Items 1.2 and 2.2 clarified that this should be the type of establishment named on the statement or plan. • Items 1.2(v) and 2.2(v) renamed 1.2(+) and 2.2(+) now show the four categories collected for this item and the legislation before September 2014. • Items 2.1 and 2.2 further clarification of how to record EHC plan pathfinder areas and transfers between local authorities. 	CSDSD, November 2014

	<ul style="list-style-type: none"> • Item 2.6 removed EHC plans because there will be no EHC plans made prior to 1 January 2014. • Item 2.7 now refers to compulsory school age rather than statutory leaving age. Further clarification and link to school leaving age guide. • Item 2.8 now refers to the end of compulsory schooling or after, rather than aged 16 and over. • Items 3.1 and 4.1 should match the number of statements or EHC plans in item 2.1. Added circumstances where they might not match and request to add details in COLLECT if this is the case. Further clarification of how to record transfers between local authorities. • Item 4.1 clarification of dates for this year, reference to Annex B and further clarification of how to record EHC plan pathfinder areas. • Item 5 reworded reference to only including EHC plans converted from existing statements or LDAs. • Item 6 further clarification for recording personal budgets that are a mixture of organised arrangements and direct payments. • Item 7.1 definition of “gone to mediation” clarified. Request to add explanations in COLLECT for specific circumstances. • Annex A amended reference to parts A and B to items 3.1 and 3.2. • Annex B added including exceptions to the 20 week time limit for EHC plans. 	
1.2	<p>Document updated to include further information on the following:</p> <ul style="list-style-type: none"> • Section 1.6 added to clarify recording of cases that started as an assessment for a statement of special educational needs and resulted in an EHC plan. • Added (i), (ii), (iii) labelling in items 1.1 and 2.2; with (ii) being the relevant totals. 	CSDSD, December 2014
1.3	<p>Document updated to include further information on the following:</p> <ul style="list-style-type: none"> • Item 3.1(a) clarification that transfers between local authorities (Scenario 2) can account for difference with Item 2.1. • Item 4.1(a) clarification that transfers between local authorities (Scenario 2) can account for difference with Item 2.1. • In addition, Section 1.1 (c) date corrected from 16 to 15 January 	CSDSD, January 2015

1. SEN2 return

The information collected via the annual SEN2 survey form provides the major source of data collected on children and young people with statements of special educational needs or Education, Health and Care plans (EHC plans). It is the only source of data on statements and EHC plans issued by individual local authorities. This is different from data on the number of pupils with statements and EHC plans in schools, collected as part of the School Census.

Without this information it would be very difficult for Ministers, Parliament, central and local government, pressure groups and the public at large to monitor government policies and their effectiveness, and to see how many children and young people with statements and EHC plans there are in individual local authorities.

1.1 Main changes from SEN2 2014

As a result of the Children and Families Act 2014, the collection has been changed for 2015 to allow the collection of information:

- (a) on those with a statement of special educational needs and an Education, Health and Care plan (EHC plan) separately,
- (b) from birth to 25 years (for those with an EHC plan), a local authority may continue to maintain an EHC plan for a young person until the end of the academic year during which the young person attains the age of 25,
- (c) on those with assessments ongoing, or completed by 15 January but no decision has yet been made,
- (d) on requests for an assessment which were refused,
- (e) on those with statements made prior to 1 January 2014 who were taken out of school to be home educated,
- (f) on those whose EHC plan was issued within 20 weeks,
- (g) on transferring from existing statements or Learning Difficulty Assessments (LDAs) to EHC plans,
- (h) on whether your local authority is on target to transfer statements and Learning Difficulty Assessments (LDAs) within the required timeframes,
- (i) on the number of personal budgets and direct payments taken up, and
- (j) on the number of cases going onto mediation.

1.2 Census date and return deadline

A SEN2 return is required from all local authorities in England. The census date is **Thursday 15 January 2015** and all completed SEN2 returns should be returned to the department by **Thursday 26 February 2015**.

1.3 Contact details

If you have any queries regarding the SEN2 return, please contact us via the [service request form](#).

Please use the [feedback form](#) if you have any comments about the content of this document, the Data Collection Helpdesk service, the COLLECT system or any other aspect of our data collection service.

1.4 Note on pathfinder EHC plans

In order to test the provisions set out in what was the Children and Families Bill the Department of Education has funded 20 'pathfinders' covering 31 local authority areas and associated clinical commissioning groups.

Although Pathfinder local authorities should treat non-statutory EHC plans issued before 1 September 2014 as if they were a statutory document, these non-statutory EHC plans do not have the same duties and rights associated with them as an EHC plan issued on or after 1 September 2014. While some of these non-statutory EHC plans may be suitable to be transferred to statutory EHC plans without significant changes, others may require additional assessment information and/or restructuring to comply with the 2014 Act and Regulations.

Some children and young people who have been issued with non-statutory EHC plans before 1 September 2014 also have statements. Local authorities should transfer these children and young people to statutory EHC plans in 2014 to 2015.

Only statutory EHC plans (ie EHC plans issued on or after the 1 September 2014) should be counted in the SEN2 survey. If a statement was issued alongside a non-statutory EHC plan, the statement should be counted as a statement.

If a pathfinder area counted a non-statutory EHC plan as a statement in their 2014 SEN2 return and reissues the EHC plan on statutory basis after the 1 September 2014 they should count it as a transfer to an EHC plan and record it under part 5. This is to avoid any double counting.

1.5 Age limits

The regulations state that:

- For Statements: A child with a statement of special education needs includes any person who has not attained the age of 19 and is a registered pupil at a school. Therefore, for part 1.1 (number of statements maintained) there should be no young person with a statement who is aged 19 or over at the 31 August 2014. For part 2.1 (number of new statements issued), it is possible for a young person to be aged 19 at 31 August 2014..
- For EHC plans: A local authority may continue to maintain an EHC plan for a young person until the end of the academic year during which the young person attains the age of 25. Therefore, for part 1.1 (number of EHC plans maintained) there should be no young person with an EHC plan who is aged 25 or over at the 31 August 2014. For part 2.1 (number of new EHC plans issued), it is possible for a young person to be aged 25 at the 31 August 2014.

1.6 Cases that began as an assessment for a statement of special educational needs but resulted in an EHC plan

Where an assessment has been started under the Education Act 1996 and through agreement, ended with an EHC plan under the Children and Families Act 2014, the data should be recorded as follows:

- If the EHC plan is issued under the circumstances above, then it is considered a new EHC plan and should be recorded in item 2 of the return appropriately (if completed in the 2014 calendar year).
- With regard to whether the plan is issued within the required timescales; for these cases the time scales and exceptions will apply as for statements under the Education Act 1996 (26 week time limit). However, these cases should be recorded in **item 4** of the return (EHC plans). The exceptions will apply as for statements and they can be recorded as having met the time limit for an EHC plan if they have met the time limit for a statement in these cases (26 week time limit). Please make a note in COLLECT of the number of these types of cases.

2. Notes on individual items in the SEN2 return

Each local authority is required to provide information for each of the following items.

Part 1: Educational arrangements

Education arrangements for all children and young people for whom the authority maintains a statement of special educational needs or, from September 2014, an Education, Health and Care plan (EHC plan).

For Part 1 please state the number of children and young people as at **15 January 2015**, for whom the authority maintains:

(A) a statement of special educational needs under the provisions of the Education Act 1996 or

(B) an Education, Health and Care plan (EHC plan) under the Children and Families Act 2014

Item 1.1 Age

The age breakdown refers to age as at **31 August 2014**.

The age categories are;

- (a) Under age 5
- (b) Aged 5 to 10
- (c) Aged 11 to 15
- (d) Aged 16 to 19
- (e) Aged 20 to 25
- (f) Total (sum of (a) to (e)).

Item 1.2 Establishment

(i) Of the children and young people entered in Item 1.1, please state the number on the roll of the following establishments. This should be the type of establishment named on the statement or EHC plan. Include children and young people whose statement/EHC plan is under appeal.

(a) Early years settings providing free nursery education

All 3 and 4 year olds are eligible for free part time nursery education from 1 September, 1 January or 1 April following their 3rd birthday until they reach compulsory school age.

Children can take up their free nursery education place in a range of settings in the maintained and independent sectors and those offered by private and voluntary providers. Providers delivering free nursery education places in the private and voluntary sector include:

- Day nurseries (privately owned or provided by the local authority - but this definition does not include maintained nursery schools or nursery units)
- Private Nursery Schools (not provided as part of an independent school as defined in 1.2.i.g/h below)
- Pre-schools and pre-school playgroups (private or voluntary)
- Child-minders.

In order to deliver free nursery education places a private or voluntary provider must be registered on the Ofsted Early Years Register (under s40 of the Childcare Act 2006).

(b) Pupils attending a resourced provision

Resourced provisions are where places are reserved at a mainstream school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school. Resourced provisions:

- receive additional funding from the local authority (specially for the purpose of the provision);
- cater for a specific type or types of SEN (eg specific learning difficulties);
- are usually for pupils with statements of SEN or those with EHC plans (but could include pupils with SEN but without a statement or plan)

(Most local authorities include details of what will be provided through a resourced provision in a pupil's statement of SEN or EHC plan. It is extremely unlikely that a pupil would be placed in a unit and receive support from a resourced provision, but a school could have resourced provision for one type of need and a unit for another).

(c) Pupils attending a SEN unit (sometimes called special classes)

SEN Units are special provisions within a mainstream school where the children are taught mainly within separate classes. Units:

- receive additional funding from the local authority specifically for the purpose of the provision;
- cater for a specific type or types of SEN (eg autistic spectrum disorders);

- are usually for pupils with statements of SEN or EHC plans (but may also provide support for pupils with SEN but without a statement or a plan).

(Most pupils placed in units will have the unit written into their statement of SEN or EHC plan. It is unlikely that a pupil would be placed in a unit and receive support from resourced provision, but a school could have resourced provision for one type of need and a unit for another).

(d) Local authority maintained mainstream schools

This includes nursery schools, nursery units and children's centres as well as primary and secondary schools which are maintained by a local authority.

(e) Local authority maintained special schools

Special schools which are maintained by a local authority.

(f) Non-maintained special schools

Non-maintained special schools are non-profit-making independent schools run by charitable trusts and approved by the Secretary of State as a special school under Section 342 of the Education Act 1996, as amended by the Schools Standards and Framework Act 1998. They may receive grants from the Department for capital work and equipment but funding is primarily from fees charged to local authorities and parents for pupils placed there.

(g) & (h) Independent special schools and other independent schools

An independent school is one which is neither maintained by a local authority nor is in receipt of grants from the Department and funding is primarily from fees charged to local authorities and parents for pupils placed there. While there is no legal category, independent schools which cater wholly or mainly for children with SEN are deemed to be independent special schools.

(i) Hospital schools

A hospital school is a school operated in a hospital, generally a children's hospital, which provides instruction to all primary and secondary grade levels. These schools help children and young people sustain academic progress during periods of hospitalisation and rehabilitation.

(j) Local authority maintained pupil referral units

A pupil referral unit (PRU) is set up under the Education Act 1993 to make provision for pupils who are out of school for reasons such as exclusion or illness. This year the category is split into local authority maintained PRUs, AP academies and AP free schools to account for newly opened schools which were formerly PRUs. Pupils who are dually registered in both a PRU and a school should be recorded under the type of school they attend.

(k) Mainstream academies

Academies are state-funded independent schools that are accountable to the Secretary of State for the management of the school through a legally-binding Funding Agreement. Converter Academies ie previously Maintained Primary and Secondary schools which converted to an Academy should also be included in this section. Pupils who attend resourced provision or SEN Units within Academies should be recorded under this category. There are separate categories for special academies and AP academies.

(l) Special Academies

Special Academies are previously Maintained or Non-Maintained Special schools which converted to an Academy.

(m) AP Academies

AP academies are previously pupil referral units which converted to an Academy.

(n) Mainstream free schools

Free Schools are local schools funded by the Government, but have greater freedoms than local authority run schools. They are run by teachers and have freedom over things like the length of the school day, the curriculum, and how they spend their money.

(o) Special free schools

Special free schools are special schools established through the free school application process.

(p) AP free schools

AP free schools are pupil referral units established through the free school application process.

(q) General FE and tertiary colleges/HE

This includes General Further Education & tertiary colleges, special colleges (agriculture, horticulture, Art & design and performing arts) and specialist designated colleges. Further Education courses studied in Higher Education institutions should also be included here.

(r) Other FE

This category includes other private or voluntary training providers such as Local Authority or Private Limited Company

(s) Sixth Form College

This category includes Sixth Form Colleges only; those attending sixth forms within secondary schools should not be included here.

(t) Work based learning (apprenticeships)

This category should include all those participating in a Work Based Learning programme, including an apprenticeship. Where a learner is participating in a Work Based Learning programme and is also attending an FE college or another institution, the Work Based learning programme should take priority.

(u) Independent Specialist Providers

Independent Specialist Providers (ISPs) (also known as Independent Specialist Institutions) provide education provision and learning support for young people with Learning Difficulties and/or Difficulties (LDD) whose needs cannot be met through mainstream education or a special school.

(ii) Total of 1.2(i)

(iii) Educated elsewhere

Section 319 of the Education Act 1996 empowers an authority to provide education for children with special educational needs “other than in school”. This may include education in centres run by social services or at home. Children would not normally be on another school register.

From September 2014, Section 61 of the Children and Families Act 2014 empowers an authority to provide education for children and young people with special educational needs “other than in school, post-16 institutions, etc”. This may include education in centres run by social services or where the local authority has named home education on the plan.

Under Section 7 of the Education Act 1996, the parent of every child of compulsory school age must ensure that she/he receives full-time education suitable to her/his age, ability and aptitude either by regular attendance at school or by means other than in school.

Data is collected on the following;

- (a) Pupils permanently excluded at 15 January 2015 and not yet placed elsewhere
- (b) Other – arrangements made by the local authority in accordance with Section 319 of the Education Act 1996, or from September 2014, Section 61 of the Children and Families Act 2014
- (c) Other – arrangements made by parents in accordance with Section 7 of the Education Act 1996
- (d) Awaiting provision – final statement/EHC plan issued but awaiting placement

Part 2: Assessments and placements

Assessments and placements by the local authority during the 2014 calendar year.

Items 2.1 and 2.2

Please state the number of children and young people for whom:

(A) a statement of special educational needs under the provisions of the Education Act 1996 was made, or

(B) an Education, Health and Care plan (EHC plan) under the Children and Families Act 2014 was made

for the **first time** during the 2014 calendar year.

NOTE: These do not include reassessments or transitions between statements and Learning Difficulty Assessments (LDAs) to EHC plans.

EHC plan pathfinder areas: please include transitions from non-statutory plans to statutory plans if the non-statutory plans have not previously been counted as a statement in previous SEN2 returns.

Transfers between local authorities: The child should only be counted once and counted by the local authority that issued the statement or EHC plan. There are two scenarios for children with Statements or EHC plans transferring between local authorities:

- Scenario 1: Exporting local authority carried out the assessment and issued the original statement or EHC plan: the exporting local authority should count these cases in part 2.
- Scenario 2: Exporting local authority carried out the assessment but importing local authority issued the statement or EHC plan: the importing local authority should count these cases in part 2.

Item 2.1 Age

The age breakdown refers to age as at **31 August 2014**. (See [section 1.5](#) on age limits)

The age categories are;

- (a) Under age 5
- (b) Aged 5 to 10

- (c) Aged 11 to 15
- (d) Aged 16 to 19
- (e) Aged 20 to 25
- (f) Total (sum of (a) to (e)).

Item 2.2 Establishment

(i) Of the children and young people entered in Item 2.1, please state the number on the roll of the following establishments. This should be the type of establishment named on the statement or EHC plan. Include children and young people whose statement/EHC plan is under appeal. Note: further information for each establishment is provided under Item 1.2 above.

- (a) Early years settings providing free nursery education
- (b) Pupils attending a resourced provision
- (c) Pupils attending a SEN unit (sometimes called special classes)
- (d) Local authority maintained mainstream schools
- (e) Local authority maintained special schools
- (f) Non-maintained special schools
- (g) Independent special schools
- (h) Other independent schools
- (i) Hospital schools
- (j) Local authority maintained pupil referral units
- (k) Mainstream academies
- (l) Special Academies
- (m) AP Academies
- (n) Mainstream free schools
- (o) Special free schools
- (p) AP free schools
- (q) General FE and tertiary colleges/HE

- (r) Other FE
- (s) Sixth Form College
- (t) Work based learning (apprenticeships)
- (u) Independent Specialist Providers

(ii) Total of 2.2(i)

(iii) Educated elsewhere (a),(b),(c),(d)

Item 2.3 Decisions not to issue

Please state the number of children and young people assessed under Section 323 of the Education Act 1996 and under the Children and Families Act 2014 during the 2014 calendar year for whom it was decided not to issue:

- (A) a statement of special educational needs or
- (B) an EHC plan (September onwards).

(Do not include children and young people who are still being assessed or those where assessment has been completed by 15 January 2015 but no decision taken on whether to issue a statement or EHC plan)

Item 2.4 Currently being assessed

Please state the number of children and young people who are still being assessed or those where assessment has been completed by 15 January 2015 but no decision taken for:

- (A) a statement of special educational needs or
- (B) an EHC plan (September onwards).

Item 2.5 Assessments refused

Please state the number of initial requests for assessment during the 2014 calendar year that were refused for:

- (A) a statement of special educational needs or
- (B) an EHC plan (September onwards).

(Please do not include reassessments or transitions between statements and Learning Difficulty Assessments (LDAs) to EHC plans.)

Item 2.6 Transfers between establishments

For children with a statement of special educational needs made prior to 1 January 2014:

- (a) Please state the number of children who transferred during the 2014 calendar year
 - i) from mainstream schools or academies to maintained or non-maintained special schools, special academies or independent schools
 - ii) from maintained or non-maintained special schools, special academies or independent schools to mainstream schools or academies
- (b) Please state the number, during the 2014 calendar year, who were taken out of school by their parents to be home educated
 - i) from mainstream schools or academies
 - ii) from maintained or non-maintained special schools, special academies or independent schools

Item 2.7 Discontinued statements (compulsory school age)

Please state the number of statements of special educational needs that have been reviewed and discontinued in the 2014 calendar year. Only include children of compulsory school age. For pupils who have:

- (a) Transferred to another LA
- (b) Special needs being met without a statement
- (c) Other.

(Please do not include pupils whose statement has ended because they have left school at the end of compulsory schooling. Please see [school leaving age guide](#).)

Item 2.8 Discontinued statements (school leavers)

Please state the number of statements of special educational needs that have been discontinued in the 2014 calendar year because pupils have left school at the end of compulsory schooling or after.

Part 3: Statements of special educational needs issued within 26 weeks

The data collected measures the percentage of statements which are issued within 26 weeks from when the local authority receives a request for an assessment or informs the parents that it is considering an assessment to the issuing of the final statement, in each calendar year. This only includes statements that are completed within the calendar year, that is, statements issued between 1 January 2014 to 31 December 2014 (eg statements where the process began in the 2013 calendar year and are completed in the 2014 calendar year should be included in 2014 figures). Data should only cover statements issued for the **first time** (not reassessments) in the 2014 calendar year.

Please refer to Annex A for details of the exceptions to the time limits.

Transfers between local authorities: The child should only be counted once and counted by the local authority that issued the statement. There are two scenarios for children with Statements transferring between local authorities:

- Scenario 1: Exporting local authority carried out the assessment and issued the original statement: the exporting local authority SHOULD count these cases in part 3, the importing local authority SHOULD NOT count these cases in part 3
- Scenario 2: Exporting local authority carried out the assessment but importing local authority issued the statement: both the importing and exporting local authorities SHOULD NOT count these cases in part 3.

Item 3.1 Statements issued within 26 weeks (incl. exceptions)

(a) **Total number of SEN statements including exception cases.** All statements of special educational needs issued in the calendar year 2014. This figure should match the total number of statements issued as recorded in item 2.1 except for cases where a statement was issued following a tribunal or reconsideration of the original decision not issue a statement, or a transfer between local authorities occurred as in Scenario 2 above. In which case, the number in item 3.1(a) should be less than total number of statements issued as recorded in item 2.1 and you should provide details in the return notes in COLLECT.

(b) **Of which, the number of SEN statements issued within 26 weeks including exception cases.** All statements produced in the calendar year 2014 which were issued within 26 weeks including those where one or more of the allowable exceptions to the time limits have been called upon.

Item 3.2 Statements issued within 26 weeks (excl. exceptions)

(a) **Total number of SEN statements issued excluding exception cases.** The total number of statements of special educational needs produced within the calendar year 2014 excluding exception cases. This figure should be the sum of 3.2.b and any non-exception cases produced outside the 26 weeks' timescale.

(b) **Of which the number of SEN statements issued within 26 weeks excluding exception cases.** The number of statements of special educational needs produced within the calendar year 2014 which were issued within 26 weeks where none of the allowable exceptions to the time limits set out in the guide have been called upon.

Part 4: Education, Health and Care plans issued within 20 weeks

The data collected measures the percentage of EHC plans, in each calendar year, which are issued within 20 weeks from the initial request (or the child or young person otherwise coming to the local authority's attention) until the final issuing of the plan (ie this includes the initial decision on whether to conduct an assessment; undertaking the assessment; preparing and finalising the plan). This only includes plans that are completed within the calendar year, that is, plans issued between 1 January 2014 to 31 December 2014 (for this year that will be those plans issued between 1 September 2014 to 31 December 2014). Data should only cover plans issued for the **first time** (not reassessments) in the 2014 calendar year.

Please refer to Annex B for details of the exceptions to the time limits.

EHC plan pathfinder areas: please include transitions from non-statutory plans to statutory plans if the non-statutory plan has not previously been counted as a statement in previous SEN2 returns.

Transfers between local authorities: The child should only be counted once and counted by the local authority that issued the EHC plan. There are two scenarios for children with EHC plans transferring between local authorities:

- Scenario 1: Exporting local authority carried out the assessment and issued the original EHC plan: the exporting local authority SHOULD count these cases in part 4, the importing local authority SHOULD NOT count these cases in part 4
- Scenario 2: Exporting local authority carried out the assessment but importing local authority issued the statement: both the importing and exporting local authorities SHOULD NOT count these cases in part 4.

Item 4.1 EHC plans issued within 20 weeks (incl. exception cases)

(a) **Total number of EHC plans including exception cases.** All EHC plans issued in the calendar year 2014. This figure should match the total number of EHC plans issued as recorded in item 2.1 except for cases where an EHC plan was issued following mediation or, a tribunal or reconsideration of the original decision not to issue an EHC plan, or a transfer between local authorities occurred as in Scenario 2 above. In which case, the number in item 4.1(a) should be less than the total number of EHC plans issued as recorded in item 2.1 and you should provide details in the return notes in COLLECT.

(b) **Of which the number of EHC plans issued within 20 weeks including exception cases.** All EHC plans issued in the calendar year 2014 which were

issued within 20 weeks including those where one or more of the allowable exceptions to the time limits have been called upon.

Item 4.2 EHC plans issued within 20 weeks (excl. exception cases)

(a) **Total number of EHC plans issued excluding exception cases.** The total number of EHC plans issued within the calendar year 2014 excluding exception cases. This figure should be the sum of 4.2.b and any non-exception cases produced outside the 20 weeks' timescale.

(b) **Of which the number of EHC plans issued within 20 weeks excluding exception cases.** The number of EHC plans issued within the calendar year 2014 which were issued within 20 weeks where none of the allowable exceptions to the time limits have been called upon.

Part 5: Progress transferring children and young people with statements and Learning Difficulty Assessments (LDAs) to the new system

This should only include EHC plans that have been converted from **existing** statements of SEN or Learning Difficulty Assessments (LDAs).

Item 5.1 Transfers to EHC plans

Please state;

- (a) i) the number of statements maintained by the local authority at 31 August 2014
 - ii) the number of children and young people with statements who were issued with an EHC plan by 15 January 2015
 - iii) the number of children and young people with statements assessed and no EHC plan issued
- (b) i) the number of LDAs maintained by the local authority at 31 August 2014
 - ii) the number of young people with LDAs who were issued with an EHC plan by 15 January 2015
 - iii) the number of young people with LDAs assessed and no EHC plan issued

Item 5.2 Transfers to EHC plans (progress)

Are you on target to complete the transfer of statements and Learning Difficulty Assessments (LDAs) within the required timeframe?

- (a) Ahead of target
- (b) On track
- (c) Target at risk, but plans in place
- (d) Behind target, no plans in place

Part 6: Number of personal budgets and direct payments

Item 6.1 Personal budgets

Please state for the 2014 calendar year, the number of personal budgets taken up. This is all EHC plans issued in 2014 that have a personal budget.

Item 6.2 Personal budget types

Of those in Item 6.1, please give the number of personal budgets that have:

(a) organised arrangements where the local authority or partner retains the funding and commissions the support specified in the plan (sometimes called notional arrangements).

(b) direct payments (including payment to nominees and third parties) and whether these are for

i) education,

ii) social care,

iii) health or

iv) integrated payment for a combination of the above.

A personal budget can be a mixture of organised arrangements and direct payments. Such cases should be counted under both (a) and (b). Therefore it is possible for the sum of 6.2(a) and 6.2(b) to be greater than 6.1.

Part 7: New Education Health and Care plans going onto mediation

From September 2014 parents and young people will have to seek mediation information before registering a SEN appeal with the First-tier Tribunal (Special Educational Needs and Disability). After receiving information, parents and young people can decide whether to take part in mediation or appeal to the Tribunal. Once mediation has finished they can again decide whether to appeal to the Tribunal or not. These arrangements do not apply when the appeal is solely about the name of the school or college or other institution named on the plan, the type of school, college or institution or the fact that no school, college or institution is named. Local authorities will arrange for the provision of mediation information and mediation where parent and young people want to go to mediation.

Item 7.1 EHC plans mediation

Please state for the 2014 calendar year, the number of cases that have gone onto mediation ie a mediation meeting has occurred regardless of the outcome. Also state of those cases

(a) the number which were resolved before going to tribunal and

(b) the number which went on to tribunal.

In all cases 7.1 should be greater than or equal to the sum of 7.1a and 7.1b. In cases where the sum of 7.1a and 7.1b is less than 7.1 you should provide explanations in the return notes in COLLECT.

General note

Reference to an Education Act or Education Regulation is only made to highlight the appropriate legislation and should not be taken as an authoritative statement of the law. (For an authoritative statement of law you should consult the relevant Education Acts and Education Regulations mentioned).

Annex A: Guide for local authorities completing statements of special educational needs (SEN) issued within 26 weeks

1. Timelines for assessments and drawing up statements

The Education Act 1996 and the Education (Special Educational Needs) (Consolidation) Regulations 2001 set out the structure and the time limits for the process of assessing a child's special educational needs (SEN) and drawing up a statement of SEN. The whole process from when the local authority receives a request for an assessment or informs the parents that it is considering an assessment to issuing the final statement should take no longer than 26 weeks.

The 26 week period is made up of:

- 6 weeks from when the local authority receives the parental, school or setting request for an assessment, or informs the parent that it is thinking of carrying out an assessment, until the decision whether to assess or not;
- 10 weeks in which to carry out the assessment and decide whether to draw up a statement, including 6 weeks for the local authority to seek and receive advice;
- 2 weeks in which to draw up a proposed statement; and
- 8 weeks to finalise the statement.

2. Definitions:

The start of the 26 week period is the date on which a request for assessment is received from a responsible body – parents, school or early years setting – or the date on which the authority issues a notice to parents that a statutory assessment is being considered; this is 'Day 1'. A referral from another agency, such as Health, is not a request from a responsible body. In these circumstances, the timescale would start from the date that the authority issues a notice to parents that a statutory assessment is being considered. The 26 week period comprises Day 1 + 181 calendar days.

The end of the period is the date on which the authority issues the final statement. Only count Day 1 as the date that the authority issues a notice to parents if the request for a statement is not received from a 'responsible body' – eg a health authority.

Refusal to assess: Where a request is refused, it should not be included in the count. If an order to carry out an assessment is later made by the First-tier Tribunal (Special Educational Needs and Disability), the authority must notify the child's parent that they will make an assessment within 4 weeks of the date of the order. (See Part IV, Regulation 25 (2) (a) of the Consolidation Regulations 2001). In this case the

assessment should be included in the count with the date that the child's parent was notified as the start date.

Refusal to statement: Where an assessment has been carried out and the decision is made not to make a statement, it should not be included in the count. If an order is later made to make and maintain a statement by the First-tier Tribunal (SEND) (see Part IV, Regulation 25 (2) (b) of the Consolidation Regulations 2001) it should also not be included in the count.

Where an exception is known to apply to the statutory time limits for the assessment, the assessment should only be included in item 3.1. Where no exception is known to apply, the assessment should be included in both items 3.1 and 3.2.

3. Exceptions to the time limits:

The 2001 Regulations allow for the following exceptions to these time limits. These are set out at Regulations 12(5), 12(7), 12(9) and 17(4). The exceptions are as follows.

The authority need not comply with the initial **6 week time limit** if it is impractical to do so because:

- it has requested advice from the head teacher of a school or the head of SEN or other person responsible for a child's education at an early education provider, during a period beginning 1 week before any date on which that school or early education provider was closed for a continuous period of not less than 4 weeks from that date ending 1 week before the date on which it reopens;
- exceptional personal circumstances affect the child or his parent during the 6 week period; or
- the child or their parent are absent from the area of the authority for a continuous period of not less than 4 weeks during the 6 week period.

The authority need not comply with the **10 week time limit** if it is impractical to do so because:

- in exceptional circumstances after receiving advice it is necessary for the authority to seek further advice;
- the child's parent has told the authority that they wish to provide advice after the expiry of the 6 week period from the date on which a request for such advice was received, and the authority has agreed to consider such advice before completing the assessment;

- the authority has requested advice for the assessment from the head teacher of a school or the head of SEN or other person responsible for a child's education at an early education provider, during a period beginning 1 week before any date on which that school or early education provider was closed for a continuous period of not less than 4 weeks from that date and ending 1 week before the date on which it reopens;
- the authority has requested advice for the assessment from health or social services and they have not complied with that request within 6 weeks from the date on which it was made;
- the authority has requested advice for the assessment from health or social services and they have not complied with that request within 6 weeks from the date on which it was made;
- exceptional personal circumstances affect the child or their parent during the 10 week period of the assessment;
- the child fails to keep an appointment for an examination or a test during the 10 week period of the assessment.

Health and social services need not comply with the **6 week time limit** for providing advice if it is impractical to do so because:

- exceptional personal circumstances affect the child or his parent during the 6 week period;
- the child or his parent are absent from the area of the authority for a continuous period of not less than 4 weeks during the 6 week period;
- the child fails to keep an appointment for an examination or a test made by health or social services during the 6 week period.

The authority need not comply with the **8 week time limit** if it is impractical to do so because:

exceptional personal circumstances affect the child or their parent during the 8 week period;

- the child or their parent are absent from the area of the authority for a continuous period of not less than 4 weeks during the 8 week period;
- the child's parent indicates that they wish to make representations to the authority about the content of the proposed statement after the expiry of the 15 day period for making such representations;
- a meeting between the child's parent and an officer of the authority has been held and the parent has asked for another such meeting to be arranged or has required

a meeting with a person who gave advice for the assessment or any other person who, in the opinion of the authority, is the appropriate person to discuss it with the parent.

Annex B: Guide for local authorities completing EHC plans issued within 20 weeks

1. Timelines for assessments and drawing up EHC plans

The Special Educational Needs and Disability Regulations 2014 set out the structure and the time limits for the process of assessing a child's special educational needs (SEN) and drawing up an Education, Health and Care plan. The whole process from when the local authority receives a request for an assessment or informs the parents that it is considering an assessment to issuing the final plan should take no longer than 20 weeks.

2. Definitions:

The start of the 20 week period is the date on which a request for assessment is received from a responsible body – parents, school or early years setting – or the date when the local authority informs the parents that it is considering an assessment; this is 'Day 1'. A referral from another agency, such as Health, is not a request from a responsible body. In these circumstances, the timescale would start from the date that the authority issues a notice to parents that a statutory assessment is being considered. The 20 week period comprises Day 1 + 139 calendar days.

The end of the period is the date on which the authority issues the final EHC plan. Only count Day 1 as the date that the authority issues a notice to parents if the request for an EHC plan is not received from a 'responsible body' – eg a health authority.

Refusal to assess: Where a request is refused, it should not be included in the count. If an assessment is made following mediation or a First-tier Tribunal (Special Educational Needs and Disability), the assessment should be included in the count with the date that the child's parent was notified as the start date.

Refusal to issue an EHC plan: Where an assessment has been carried out and the decision is made not to issue an EHC plan, it should not be included in the count, even if an EHC plan was later issued following mediation or, a tribunal or reconsideration of the original decision not issue an EHC plan.

Where an exception is known to apply to the statutory time limits for the assessment, the assessment should only be included in item 4.1. Where no exception is known to apply, the assessment should be included in both items 4.1 and 4.2.

3. Exceptions to the time limits:

Where there are exceptional circumstances, it may not be reasonable to expect local authorities and others partners to comply with the time limits above. The Special

Educational Needs and Disability Regulations 2014 set out specific exemptions. These include where:

- the child or young person is absent from the area for a period of at least 4 weeks
- exceptional personal circumstances affect the child or his/her parent, or the young person, and
- the educational institution is closed for at least 4 weeks, which may delay the submission of information from the school or other institution



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